

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

211

CRM-M-5149-2022

Date of decision: 10.05.2022

Parminder Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Harleen Ahluwalia, Advocate for
Mr. B.S.Bhalla, Advocate for the petitioners.

Mr. A.S. Gill, Senior DAG, Punjab.

Mr. Navinderjit Singh Dandiwal, Advocate
for the complainant.

SUVIR SEHGAL J. (ORAL)

While granting interim protection to the petitioner, this
Court passed the following order on 08.02.2022:-

“ Heard through video conferencing.

*Instant petition has been filed under Section
438 of the Code of Criminal Procedure, 1973 for
grant of anticipatory bail in FIR No.4 dated
07.01.2022, registered for offences under Sections
306, 420 and 120-B of the Indian Penal Code, 1860,
at Police Station City Baghapurana, District Moga.*

*Counsel for the petitioners contends that there
was a dispute amongst the parties regarding the*

execution of sale deeds of land and after enquiry, vide report dated 18.01.2022 (Annexure P-3), it was found that there is no truth in the allegations levelled by the husband of Charan Kaur, deceased, who was the vendor of the land. Still further, counsel submits that allegation under Section 306 IPC have been levelled against the petitioners, which are without any basis as is apparent from the observations made by the Ld. Additional Sessions Judge, Moga in its order dated 31.01.2022 (Annexure P-4), the relevant extract of which is as under:-

“9. From the averments mentioned in the FIR, it is clear that ingredients of Section 306 IPC are not there. It is not a case of suicide. On the police file, there is a medical record of deceased Charan Kaur of Moga Medicity Super Speciality Hospital, Moga with history of septic shock. There is a discharge summary showing cause of death as cardiac arrest.”

Counsel submits that the petitioners are ready to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. He is assisted by Mr. Kuldeep Singh Saini, Advocate for Mr. N.S.Dandiwal, Advocate for the complainant, who has filed his Memorandum of Appearance, which is taken on record.

List on 22.04.2022.

Meanwhile, the petitioners shall join the investigation and would appear as and when called

by the Investigating Officer. In the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438 (2) Cr.P.C. ”

Upon instructions from ASI Harbinder Singh, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. As per his instructions, on completion of investigation, cancellation report has been prepared.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 08.02.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)

JUDGE

10.05.2022
pooja saini

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No